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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/520,297

12/30/2004

Anders Jorgensen

RR-577 PCT/US

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EXAMINER

AIRAPETIAN, MILA

ART UNIT

PAPER NUMBER

3625

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/520,297	Applicant(s) JORGENSEN, ANDERS	
	Examiner MILA AIRAPETIAN	Art Unit 3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/30/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Requirement for Election/Restrictions has been withdrawn.

Specification

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilhelm (US 5,085,308) in view of Walker et al. (US 6,267,670).

Claim 1. Wilhelm teaches a method for collecting articles, comprising:

using as point-of-trade a reverse vending machine for receiving empty packaging in the form of bottles and/or cans for beverages having a return value (col. 3, lines 3-7);

issuing of lottery ticket (col. 2, line 38);

issuing to said person a return value receipt (col. 3, lines 41,42);

However, Wilhelm does not teach reserving a number of lottery tickets or shares in the lottery upon registration of information elements in the database server corresponding to return value (change), and in addition communicating back from the database server to the point-of-trade such reservation together with other information elements.

Walker et al. (Walker) teaches a method for purchasing lottery tickets at a point of sale in exchange for the amount of change due to the customer wherein the POS controller transmits the number of “quick-pick” lottery tickets requested to the lottery data processing system (col. 9, lines 17-23).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wilhelm to include teach reserving a number of lottery tickets or shares in the lottery upon registration of information elements in the database server corresponding to return value (change), and in addition communicating back from the database server to the point-of-trade such reservation together with other information elements, as disclosed in Walker, because it would advantageously provide the lottery ticket purchaser with a convenient and efficient means of obtaining lottery tickets, as specifically taught by Walker (col. 3, lines 18-20).

Furthermore, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching,

suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex arte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

Further, it is noted that all of the elements of the cited references perform the same function when combined as they do in the prior art. Thus such a combination would have yielded predictable results (see *Sakraida*, 425 US at 282, 189 USPQ at 453). Since the independent claims only unite old elements with no change in there respective functions the claimed subject matter would have been obvious under KSR, 127 S. Ct at 1741, 82 USPQ2d at 1396.

Claim 4. Walker teaches said method including establishing the communication line via a TCP/IP network (col. 5, lines 30-34).

Claim 5. Walker teaches said method characterized in checking in the database server the identity of the reverse vending machine against an identity-related address register to be able to announce where winning lottery tickets have been issued (col. 7, lines 45-50).

Claim 6. Walker teaches said method characterized in that the serial number or control code of the ticket is unique to the issued lottery ticket (col. 9, lines 17-25).

Claim 7. Walker teaches said method characterized in that the control code is generated non-serially in the database server (col. 7, line 19).

Claim 8. Walker teaches said method characterized in that the information elements are selected from the group consisting of: the identity of the reverse vending

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machine, the time of the stake the monetary value of the stake, which corresponds to the return value of the returned empty packaging, customer-related identification; a ticket number series, e.g. with start and end number, the serial number or control code of the ticket the monetary value of the stake, the number of tickets, the time of the draw, the deadline for playing the lottery, graphic elements, optional guiding information (Fig. 9).

Claims 2, 3, 27-30 are rejected on the same rationale as set forth above claims 1, 4-8.

System claims 9-26 repeat the subject matter of method claims 1, 4-8 respectively, as a set of apparatus elements rather than a series of steps. As the underlying processes of claims 1, 4-8 have been shown to be fully disclosed by the teachings of Wilhelm and Walker in the above rejections of claims 1, 4-8, it is readily apparent that the system disclosed by Wilhelm and Walker includes the apparatus to perform these functions. As such, these limitations are rejected for the same reasons given above for method claims 1, 4-8, and incorporated herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MILA AIRAPETIAN whose telephone number is

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(571)272-3202. The examiner can normally be reached on Monday-Friday 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. A./
Examiner, Art Unit 3625
/Mark Fadok/
Primary Examiner, Art Unit 3625